

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of San Diego Gas & Electric Company (U902M) for Authority, Among Other Things, to Update its Electric and Gas Revenue Requirement and Base Rates Effective on January 1, 2019.

Application 17-10-007

And Related Matter.

Application 17-10-008

**DECISION GRANTING COMPENSATION TO  
THE UTILITY REFORM NETWORK FOR SUBSTANTIAL  
CONTRIBUTION TO DECISIONS (D.) 20-07-038 AND D.21-05-003**

<b>Intervenor:</b> The Utility Reform Network (TURN)	<b>For contribution to:</b> D.20-07-038 and D.21-05-003
<b>Claimed:</b> \$64,439.12	<b>Awarded:</b> <del>\$60,344.11</del> <u>\$58,791.61</u>
<b>Assigned Commissioner:</b> Alice Reynolds <sup>1</sup>	<b>Assigned ALJs:</b> Rafael Lirag, Manisha Lakhanpal

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	<p>In D.20-07-038, <i>Order Modifying Decision (D.) 19-09-051 and Denying Rehearing, as Modified</i>, the Commission disposed of Applications for Rehearing of D.19-09-051 filed by TURN and The Protect Our Communities Foundation.</p> <p>In D.21-05-003, <i>Decision Regarding San Diego Gas and Electric Company's and Southern California Gas Company's Post Test Year Mechanism for 2022 and 2023</i>, the Commission authorized San Diego Gas &amp; Electric Company (SDG&amp;E) and Southern California Gas Company (SoCalGas) to apply the Post Test Year (PTY) mechanism adopted for PTYs 2020 and 2021 in D.19-09-051 to 2022 and 2023 but specified different escalation inputs than proposed by SDG&amp;E and SoCalGas. The Commission also implemented the test year revenue requirement adjustments ordered in D.20-07-038, which impact all years in the rate case cycle, and required further adjustments to SDG&amp;E's revenue requirement in 2022 and 2023 to account for the benefits derived from its Customer Information System</p>
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<sup>1</sup> This proceeding was re-assigned to President Alice Reynolds on May 2, 2022.

Replacement Program authorized in D.18-08-008.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812<sup>2</sup>:**

	Intervenor	CPUC Verification
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	1/10/2018	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	2/9/2018	Verified
4. Was the NOI timely filed?		Yes
<b>Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.16-08-006	Verified
6. Date of ALJ ruling:	11/28/16	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
<b>Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.16-08-006	Verified
10. Date of ALJ ruling:	11/28/16	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.21-05-003	Verified
14. Date of issuance of Final Order or Decision:	5/10/2021	Verified
15. File date of compensation request:	6/10/2021	Verified
16. Was the request for compensation timely?		Yes

<sup>2</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

**PART II: SUBSTANTIAL CONTRIBUTION****A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):**

<b>Intervenor's Claimed Contribution(s)</b>	<b>Specific References to Intervenor's Claimed Contribution(s)</b>	<b>CPUC Discussion</b>
<p><b><u>D.20-07-038</u></b></p> <p>(1) <u>EEI Membership Dues</u></p> <p>TURN sought rehearing of the treatment of SDG&amp;E's dues paid to the Edison Electric Institute (EEI), arguing that the Commission erred in approving SDG&amp;E's request when SDG&amp;E failed to disaggregate costs with sufficient detail to allow the Commission to determine an appropriate allocation between shareholders and ratepayers, as the Commission has required for at least 25 years.</p> <p>The Commission agreed with TURN in D.20-07-038 that "evidence in this GRC fell short of the detail we have previously required to justify ratepayer funding." The Commission accordingly modified D.19-09-051 to adopt the alternative proposal TURN had made during the proceeding.</p>	<ul style="list-style-type: none"> <li>TURN Application for Rehearing of D.19-09-051 (AppRH), filed 10/31/19, pp. 13-15</li> <li>D.20-07-038, p. 7</li> </ul>	<p>Verified</p> <p>Verified</p>
<p>(2) <u>Corporate Center Incentive Compensation Allocated to SDG&amp;E and SoCalGas</u></p> <p>TURN sought rehearing of D.19-09-051 to clarify how the disallowances adopted there for non-executive and executive short-term incentive compensation for SDG&amp;E's and SoCalGas's own employees would apply to the similar</p>	<ul style="list-style-type: none"> <li>TURN AppRH, pp. 23-25</li> <li>D.20-07-038, p. 11</li> </ul>	<p>Verified</p> <p>Verified</p>

<p>Corporate Center costs allocated to the utilities.</p> <p>The Commission agreed with TURN in D.20-07-038 that D.19-09-051 erred in failing to specify whether similar disallowances would apply to Corporate Center incentive compensation costs allocated to the utilities. The Commission recognized that “nothing in the evidentiary record appeared to justify any disparate treatment” and modified D.19-09-051 to also clearly require disallowances for Corporate Center non-executive and executive incentive compensation.</p>		
<p>(3) <u>Voluntary Dues, Donations, and Charitable Contributions</u></p> <p>TURN sought rehearing of the Commission’s authorization of cost recovery by SDG&amp;E and SoCalGas of miscellaneous dues and donations and costs of sponsoring charitable and civic events. TURN argued that permitting recovery of these costs runs contrary to a long line of Commission decisions and a California Supreme Court holding.</p> <p>The Commission in D.20-07-038 agreed with TURN’s analysis of precedent and concluded that the “evidence here was not as strong as it should have been to overcome the general prohibition against ratepayer funding of voluntary dues, donations, and charitable contributions.” The Commission modified D.19-09-051 to deny the requested funding “to maintain consistency with established precedent.”</p>	<ul style="list-style-type: none"> <li>• TURN AppRH, pp. 25-26</li> <li>• D.20-07-038, pp. 12-13</li> </ul>	<p>Verified</p> <p>Verified</p>

<p><b><u>D.21-05-003</u></b></p> <p><b><u>(1) Escalation Factors for PTY 2022 and 2023 for SDG&amp;E and SoCalGas</u></b></p> <p>TURN argued that the Commission should at least use updated escalation factors from IHS Markit Global Insight (Global Insight) that reflect the COVID-19 pandemic if it concluded that the PTY ratemaking mechanism adopted in D.19-09-051 should continue in 2022 and 2023. TURN took issue with the 4<sup>th</sup> Quarter 2019 Global Insight forecast used by SDG&amp;E and SoCalGas to calculate PTY increases in their Petition for Modification of D.19-09-051 (PFM). TURN proposed that the utilities use the 2<sup>nd</sup> Quarter 2020 forecast, which was the most recent vintage at the time TURN offered this proposal.</p> <p>SDG&amp;E and SoCalGas accepted TURN's recommendation following the meet and confer ordered by the ALJs on escalation factors.</p> <p>In D.21-05-003, the Commission agreed with TURN that updated escalation factors should be used "to capture the economic and COVID-19 impacts." The Commission concluded that the most recently published version of Global Insight's forecast should be used, the 4<sup>th</sup> Quarter 2020 forecast published in February 2021.</p>	<ul style="list-style-type: none"> <li>• TURN Comments on the Phase 2 Scoping Memo, filed 7/20/20, pp. 6-8</li> <li>• D.21-05-003, pp. 15-16 (summarizing TURN's recommendation and the utilities' response in the Meet and Confer Report)</li> <li>• D.21-05-003, pp. 16-17 (requiring an even more recent Global Insight forecast to reflect the COVID-19 economic crisis, the 4<sup>th</sup> Quarter 2020 forecast)</li> </ul>	<p>Verified</p> <p>Verified</p> <p>Verified</p>
<p><b><u>(2) O&amp;M Adjustment for CIS Benefits in 2023 for SDG&amp;E</u></b></p> <p>TURN recommended that SDG&amp;E's forecast of \$30.2 million in benefits in 2023 from the Customer Information System (CIS) project in A.17-04-027 be included in the 2023 GRC</p>	<ul style="list-style-type: none"> <li>• TURN Comments on the Phase 2 Scoping Memo, 7/20/20, pp. 22-25</li> <li>• TURN Phase 2 Reply Brief, 10/5/20, pp. 16-19</li> <li>• D.21-05-003, pp. 19-20</li> </ul>	<p>Verified</p> <p>Verified</p> <p>Verified</p>

<p>revenue requirement to be adopted by the Commission here. TURN's proposal expanded upon the proposal of Utility Consumers' Action Network (UCAN), accepted by SDG&amp;E, that SDG&amp;E's forecast of \$11.7 million in benefits in 2022 from the CIS project be included in the 2022 revenue requirement, which would then be carried forwarded into the 2023 revenue requirement. TURN explained that taking SDG&amp;E's forecast of 2023 benefits here would be an efficient means of ensuring that SDG&amp;E's ratepayers are able to take the 2023 CIS benefits in the year they are forecast to be realized, consistent with the vision of D.18-08-008.</p> <p>In D.21-05-003, the Commission adopted the approach advocated by TURN (which UCAN supported) over SDG&amp;E's objection. The Commission required SDG&amp;E's 2023 revenue requirement to be reduced by the \$30.2 million forecast for CIS benefits for 2023.</p>		
<p><u>(3) Pipeline Safety Enhancement Plan (PSEP) Capital Expenditures Adjustments for SoCalGas</u></p> <p>TURN, together with the Southern California Generation Coalition (SCGC), argued that the Commission should ensure that the revenue requirements authorized for SoCalGas for 2022 and 2023 do not include the capital costs of the Line 2005 Hydrotest project if the Commission authorized acceleration of that project from 2022 to 2020, as SoCalGas proposed to do in Advice Letter (AL) 5617. SoCalGas submitted AL 5617 on the same day that SoCalGas and SDG&amp;E filed their</p>	<ul style="list-style-type: none"> <li>• SCGC/TURN Response to SoCalGas Advice Letter 5617, pp. 5, 7 (appended here as Attachment 5)</li> <li>• SCGC/TURN Response to PFM, p. 6</li> <li>• SDG&amp;E/SoCalGas Reply to Responses to PFM, pp. 2-3, 23-24</li> <li>• TURN Comments on the Phase 2 Scoping Memo, pp. 14-16</li> <li>• D.21-05-003, pp. 24-25</li> </ul>	<p>Verified</p> <p>Verified</p> <p>Verified</p> <p>Verified</p> <p>Verified</p>

<p>PFM, April 9, 2020. TURN and SCGC submitted a joint response to AL 5617, supporting acceleration of the Line 2005 Hydrotest project but warning of the risk of double-recovery if these costs were not removed from the PFM.</p> <p>SoCalGas agreed with TURN and SCGC that it should reduce its forecasted revenue requirements for 2022 and 2023 contingent upon the approval of AL 5617.</p> <p>In D.21-05-003, the Commission agreed that the costs associated with the Line 2005 hydrotest project should be removed from SoCalGas's PSEP capital expenditures at issue in the PFM and removed \$733,455 in capital expenditures.</p>		
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**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?<sup>3</sup></b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	Noted
<b>c. If so, provide name of other parties:</b> TURN's positions overlapped to varying extents with those taken by the Public Advocates Office (Cal Advocates), Utility Consumers' Action Network (UCAN), the City of Long Beach, Energy Resources Department (City of Long Beach), Protect Our Communities Foundation (PCF), and the Southern California Generation Coalition (SCGC).		Verified
<b>d. Intervenor's claim of non-duplication:</b> <u>D.20-07-038</u> TURN and PCF each filed Applications for Rehearing of D.19-09-051. There was		Noted

<sup>3</sup> The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

no overlap in the issues raised by TURN and PCF. (*See* D.20-07-038, pp. 2-3).

D.21-05-003

TURN coordinated with SCGC on PTY issues related to SoCalGas's Pipeline Safety Enhancement Plan (PSEP), including filing a joint response to SoCalGas AL 5617 and a joint response to SoCalGas and SDG&E's Petition for Modification of D.19-09-051 (PFM) to add attrition years 2022 and 2023. SCGC took the lead on drafting these pleadings, including conducting related discovery, thus limiting the amount of time TURN needed to devote to pleading preparation. TURN and SCGC shared the costs for the consulting services of Ms. Catherine Yap, who assisted in the review of SoCalGas AL 5617 and the PFM. This coordination prevented duplication in the analysis and participation by TURN and SCGC.

TURN also coordinated with Cal Advocates, UCAN, the Port of Long Beach, and PCF on issue coverage, focus of analysis, and strategy related to SDG&E/SoCalGas's PFM. As a result, TURN's participation was efficiently

coordinated with the participation of other intervenors wherever possible, so as to avoid undue duplication and to ensure that any such duplication served to supplement, complement, or contribute to the showing of the other intervenor. For instance, TURN was the only party to focus on the vintage of the Global Insight escalation forecast used in the PFM. TURN advocated using an updated forecast to reflect the COVID-19 pandemic, in the event the Commission declined to adopt a CPI-based PTY ratemaking methodology (as recommended by nearly all intervenors responding to the PFM, including TURN). TURN also built upon UCAN's recommendation that projected CIS benefits of \$11.7 million be incorporated into SDG&E's 2022 and 2023 revenue requirement. TURN demonstrated that the benefits for 2023 should be larger, \$30.2 million. UCAN then revised its position in its opening brief to support TURN's larger adjustment.

As such, the Commission should determine that all of TURN's work is compensable consistent with the conditions set forth in Section 1802.5.

### PART III: REASONABLENESS OF REQUESTED COMPENSATION

#### A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
<p><b>a. Intervenor's claim of cost reasonableness:</b></p> <p>TURN's request for intervenor compensation seeks an award of approximately \$64,000 as the reasonable cost of our participation in the proceeding after the issuance of D.19-09-051. (TURN's work leading up to D.19-09-051 was the subject of a separate intervenor compensation claim, addressed by the Commission in D.20-08-010). In light of the benefits achieved through TURN's participation, the Commission should conclude that the amount requested is reasonable.</p>	Noted



<p>TURN's application for rehearing resulted in reductions to the Test Year 2019 revenue requirements authorized in D.19-09-051 for each utility. SDG&amp;E and SoCalGas have previously suggested that the 2019 reductions required by D.20-07-038 would be approximately \$1.9 million for SoCalGas and \$1.5 million for SDG&amp;E. (SDG&amp;E/SoCalGas Phase 2 Opening Brief, p. 9). The value of these revenue requirement reductions will grow overtime as the PTY O&amp;M escalation mechanism is applied to a smaller basis each year. In D.21-05-003, the Commission assumed the reductions from D.20-07-038 would reach \$2 million in each of 2022 and 2023 for SoCalGas and \$1.7 million each year for SDG&amp;E. (D.21-05-003, Appendix B.) For purposes of this compensation request, TURN conservatively estimates the impact of the TY 2019 reductions by multiplying first year savings by the five years of this rate case cycle (2019-2023), resulting in savings of \$9.5 million for SoCalGas's customers and \$7.5 million for SDG&amp;E's customers. TURN notes that these figures are estimates, as SDG&amp;E and SoCalGas will soon submit advice letters pursuant to D.20-05-003, Ordering Paragraph 2, to implement the revenue requirement reductions ordered by D.20-07-038.</p> <p>TURN's efforts in Phase 2 of this proceeding, in conjunction with those of other active intervenors, also directly contributed to smaller revenue requirement increases for SoCalGas and SDG&amp;E in 2022 and 2023. Compared to SoCalGas's initial request in the PFM, the Commission authorized \$12.9 million less in 2022 and \$19.5 million less in 2023 for SoCalGas as a result of three outcomes resulting from TURN's advocacy (and that of other parties): using a newer Global Insight forecast reflective of the COVID-19 pandemic conditions, removing the Line 2005 Hydrotest project capital, and the rehearing adjustments adopted in D.20-07-038. For SDG&amp;E, these reductions are \$7.1 million in 2022 and \$29.8 million in 2023 as a result of the newer Global Insight forecast, higher 2023 CIS benefits, and the rehearing adjustments adopted in D.20-07-038. TURN notes that these impacts from D.21-05-003 double count the reductions from D.20-07-038 in 2022 and 2023 estimated in the previous paragraph.</p> <p>For all of these reasons, the Commission should find that TURN's efforts have been productive.</p>	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>TURN seeks compensation for approximately 140 hours of time devoted to this proceeding after the issuance of D.19-09-051. This amount includes TURN's staff attorney time, as well as work by TURN outside consultant Catherine Yap of Barkovich &amp; Yap.</p> <p><b>1. <u>TURN Attorneys</u></b></p> <p>TURN Staff Attorney Marcel Hawiger took the lead on reviewing D.19-09-051 and preparing TURN's Application for Rehearing (AFR). He sought limited input from Staff Attorney Hayley Goodson, who served as TURN's lead and coordinating attorney throughout the initial phase of this proceeding. He also conferred with Staff Attorney Elise Torres, General Counsel Robert Finkelstein, and Legal Director Thomas Long, all of whom offered expertise specific to the issues raised in TURN's AFR or related strategy.</p>	Noted

Hayley Goodson took the lead in responding to SDG&E's and SoCalGas's PFM and all issues included by the Commission in the Phase 2 Scoping Memo. Ms. Goodson conferred with Robert Finkelstein on issues related to benefits from the SDG&E CIS project, as he was TURN's attorney in the proceeding where the Commission approved that project.

## **2. TURN Consultant Catherine Yap**

TURN retained the expert consulting services of Catherine Yap of Barkovich & Yap. Ms. Yap served as an expert consultant for both TURN and SCGC in this proceeding, addressing issues related to PSEP in SoCalGas AL 5617 and the PFM.

TURN and SCGC agreed that for this proceeding, Ms. Yap would invoice TURN for the full number of hours she devoted to work on the case, with TURN responsible for payment of 50% of the invoiced amount. Consistent with this cost-sharing arrangement, TURN's claim presents the full number of hours billed by Ms. Yap, as well as an adjustment removing 50% of the costs for time billed, consistent with TURN's actual responsibility for paying Ms. Yap.

In light of the substantial contribution described in Section II above, TURN submits that the Commission should find that the hours incurred were reasonable.

## **3. Other Issues**

### ***Risk Spending Accountability Report (RSAR) Time***

TURN has included in this request 6.5 hours devoted to reviewing and preparing comments on SDG&E's and SoCalGas's 2019 Risk Spending Accountability Report (RSAR), which addressed spending authorized in this GRC for activities addressing safety, reliability, and/or maintenance. TURN incurred this time as part of its active and productive participation in this proceeding.

TURN pointed out in its comments, filed in this proceeding on May 11, 2020, that SDG&E and SoCalGas both significantly underspent on safety and reliability activities in 2019 relative to authorized funding, and that this underspending in 2019 was not an isolated occurrence but was consistent with a pattern of overearning and underspending on O&M safety and reliability work. (TURN Comments on SDG&E and SoCalGas's 2019 RSAR, pp. 1-5).

TURN's efforts contributed to Energy Division's review of SDG&E's and SoCalGas's 2019 RSAR which occurred as part of this GRC pursuant to D.19-04-020. (See D.19-04-020, pp. 45-46). As recounted by Energy Division in the Staff Risk Spending Accountability Review, "ED staff agree with TURN that Sempra Utilities [sic] underspending is a concern. The underspending raises questions regarding the level to which the Sempra Utilities are appropriately investing in their systems to maintain safety

and reliability, particularly when accounting devices such as balancing and memorandum accounts exist to track all spending for later recovery.” (Staff Risk Spending Accountability Review, p. 6). Energy Division Director Ed Randolph further affirmed TURN’s concern that this pattern of underspending, both for capital and O&M, “raises questions about the reasonableness of authorized expenditures in light of actual spending, which may be further examined in GRC proceedings.” (Letter from Ed Randolph to Dan Skopec, August 12, 2020, Re: Energy Division Review of the 2019 Risk Spending Accountability Report of San Diego Gas & Electric and Southern California Gas, p. 2). These Energy Division documents are available on the Commission’s website at <https://www.cpuc.ca.gov/WorkArea/DownloadAsset.aspx?id=6442465952>.

#### ***Intervenor Compensation-Related Time***

TURN is requesting compensation for 10 hours devoted to Ms. Goodson’s preparation of this request for compensation.

#### **4. Reasonableness of Direct Costs**

TURN has included direct costs associated with D.20-07-038, including photocopying and postage to send TURN’s Application for Rehearing to the Commission and Lexis Nexus legal research costs, all of which are routinely compensation by the Commission. (*See, e.g.*, D.20-08-010, p. 47 (compensating TURN’s direct costs in the first part of this proceeding). TURN incurred these costs in 2019, prior to the issuance of Resolution ALJ-393 which adopted a new hourly rates framework for 2021 and beyond that assumes most routine overhead costs like these will be covered by hourly rates.

The remainder of TURN’s work covered by this request occurred during the COVID-19 pandemic, during the Commission’s suspension of the normal requirements to serve hard copies of filings on the Commission. TURN incurred no direct costs after filing the Application for Rehearing.

#### **c. Allocation of hours by issue:**

TURN has allocated all of our attorney and consultant time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN in this proceeding.

Code	Description	Allocation of Time	Hours
AFR	Work related to TURN's Application for Rehearing of D.19-09-051	24.08%	34.50
AL 5617	Work related to SoCalGas Advice Letter 5617	4.54%	6.50
PFM	Work related to reviewing and responding to SDG&E and SoCalGas's Petition for Modification of D.19-09-051	6.28%	9.00

Noted

Ph2	Work following the issuance of the Phase 2 Scoping Memo	45.03%	64.50		
Ph2-PD	Work related to reviewing and responding to the Phase 2 Proposed Decision preceding D.21-05-003	8.55%	12.25		
RSAR	Work related to SDG&E and SoCalGas's 2019 Risk Spending Accountability Report	4.54%	6.50		
Comp2	Work preparing this Request for Intervenor Compensation	6.98%	10.00		
<b>TOTAL</b>		<b>100.00%</b>	<b>143.25</b>		

Please also *see* Attachment 4, which presents an allocation of TURN's time by person, issue, and year.

TURN submits that this information should suffice to address the allocation requirement under the Commission's rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Robert Finkelstein, TURN General Counsel	2019	1.00	\$540.00	D.19-11-015	\$540.00	1	\$540	\$540.00
Robert Finkelstein, TURN General Counsel	2020	1.50	\$555.00	D.20-11-042	\$832.50	1.5	\$555	\$832.50
Hayley Goodson, TURN Staff Attorney	2019	2.75	\$445.00	D.19-11-009	\$1,223.75	2.75	\$445	\$1,223.75
Hayley Goodson, TURN Staff Attorney	2020	67.75	\$455.00	D.20-09-032	\$30,826.25	67.75	\$455	\$30,826.25
Hayley Goodson, TURN Staff Attorney	2021	12.25	\$640.00	See Comment #1 - Res. ALJ-393	\$7,840.00	12.25	<del>\$640</del> <u>\$550</u> [1]	<del>\$7,840.00</del> <u>\$6,737.50</u>
Marcel Hawiger, TURN Staff Attorney	2019	28.75	\$445.00	D.19-11-011	\$12,793.75	28.75	\$445	\$12,793.75
Marcel Hawiger, TURN Staff Attorney	2020	0.75	\$455.00	D.21-05-010	\$341.25	.75	\$455	\$341.25
Thomas J. Long,	2019	0.75	\$615.00	D.19-11-015	\$461.25	.75	\$615	\$461.25

TURN Legal Director								
Thomas J. Long, TURN Legal Director	2020	7.00	\$630.00	D.21-01-016	\$4,410.00	.5 [2]	\$630	\$315.00
Elise Torres, TURN Staff Attorney	2019	0.50	\$340.00	D.20-04-025	\$170.00	.5	\$340	\$170.00
Catherine Yap TURN Consultant	2020	10.25	\$305.00	See Comment #2 - D.19-12-018, Res. ALJ-357, ALJ-387	\$3,126.25	10.25	\$305 [3]	\$3,126.25
Catherine Yap - adjustment per TURN 50% share of costs	2020			See Comment #3	<del>-\$1,563.13</del>			<del>(\$1,563.13)</del> [4]
Subtotal: \$61,001.88						Subtotal: <del>\$56,906.87</del> \$55,804.37		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Hayley Goodson	2021	10.00	\$320.00	½ of rate requested for 2021 (See Comment #1)	\$3,200.00	10	<del>\$320</del> <u>\$275</u>	<del>\$3,200.00</del> <u>2,750.00</u>
Subtotal: \$3,200.00						Subtotal: <del>\$3,200.00</del> <u>2,750.00</u>		
COSTS								
#	Item	Detail			Amount	Amount		
1.	Lexis Legal Research	Legal research costs related to D.20-07-038			\$229.79	\$229.79		
2.	Photocopies	Copies of TURN Application for Rehearing (D.20-07-038)			\$5.70	\$5.70		
3.	Postage	Postage for TURN Application for Rehearing (D.20-07-038)			\$1.75	\$1.75		
Subtotal: \$237.24						Subtotal: \$237.24		
TOTAL REQUEST: \$64,439.12						TOTAL AWARD: <del>\$60,344.11</del> \$58,791.61		

\*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**\*\*Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate**

**ATTORNEY INFORMATION**

<b>Attorney</b>	<b>Date Admitted to CA BAR<sup>4</sup></b>	<b>Member Number</b>	<b>Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation</b>
Robert Finkelstein	June 1990	146391	No
Hayley Goodson	December 2003	228535	No
Marcel Hawiger	January 1998	194244	No
Thomas J. Long	December 1986	124776	No
Elise Torres	December 2011	280443	No

**C. Attachments Documenting Specific Claim and Comments on Part III:**

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
Attachment 1	Certificate of Service
Attachment 2	Timesheets for TURN’s Attorneys and Expert
Attachment 3	TURN Direct Expenses Associated with D.20-07-038
Attachment 4	TURN Hours Allocated by Issue
Attachment 5	SCGC/TURN Response to SoCalGas Advice Letter 5617
Comment #1	<p><b><u>2021 Hourly Rate Request for Hayley Goodson</u></b></p> <p>On February 9, 2021, TURN filed an intervenor compensation claim in A.18-12-009 that included a request that the Commission adopt an hourly rate of \$640 for TURN Attorney Hayley Goodson in 2021, based on the Market Rate Study and guidance adopted in Res. ALJ-393. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Ms. Goodson, TURN refers the Commission to the showing presented in A.18-12-009.</p>
Comment #2	<p><b><u>2020 Hourly Rate for Catherine Yap, Barkovich &amp; Yap</u></b></p> <p>TURN requests an hourly rate of \$305 for work by expert consultant Catherine Yap of Barkovich &amp; Yap in 2020. This is the rate charged by Ms. Yap for the work covered by this request.</p> <p>The requested 2020 rate is less than the result of escalating Ms. Yap’s authorized 2018 hourly rate of \$295 (<i>See</i> D.18-12-018) by the two COLA adjustments adopted for 2019 (2.35% in Resolution ALJ-357) and 2020 (2.55% in Resolution ALJ-387). Applying these increases to Ms. Yap’s authorized 2018 hourly rate of \$295 results in an hourly</p>

<sup>4</sup> This information may be obtained through the State Bar of California’s website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	<p>rate of \$310. Therefore, the Commission should find reasonable the requested rate of \$305 for 2020.</p> <p>TURN notes that in its first request for compensation in this proceeding, TURN requested that the Commission apply the same hourly rate to Ms. Yap's 2019 work as authorized for her 2018 work, rather than apply the 2019 COLA. TURN explained that Ms. Yap did not increase her rate because she incurred so few hours. TURN expressly reserved the right to request a higher hourly rate for 2019 in other requests for compensation. (<i>See</i> D.20-08-010, p. 51). Although TURN is not seeking compensation for Ms. Yap's work in 2019 in this request, TURN seeks to clarify the history of Ms. Yap's hourly rates to avoid confusion.</p>
Comment #3	<p><b><u>Adjustment to Claimed Costs for Ms. Yap's Work in 2020</u></b></p> <p>As explained above, TURN shared the expert consulting services of Catherine Yap with SCGC in this proceeding. TURN and SCGC agreed that Ms. Yap would invoice TURN for the full number of hours she devoted to work on the case, with TURN responsible for payment of 50% of the invoiced amount. Consistent with this cost-sharing arrangement, TURN's claim presents the full number of hours billed by Ms. Yap, as well as an adjustment removing 50% of the costs for time billed, consistent with TURN's actual responsibility for paying Ms. Yap.</p> <p>TURN is using this approach to ensuring that TURN claims only the actual costs TURN incurred for Ms. Yap's services to promote transparency and avoid confusion regarding the number of hours of work conducted by Ms. Yap, as well as her full hourly rate.</p> <p>The Commission found this same approach reasonable in D.20-08-010 for Ms. Yap's previous work in this proceeding. <i>See</i> D.20-08-010, pp. 52-53 (CPUC Comments, Disallowances, and Adjustments – Item 11).</p>

#### D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	<del>Adopting \$640 rate for 2021. This rate was adopted in D.21-12-046 granting an intervenor compensation claim in A.18-12-009. D.21-12-046 adopted a 2021 rate of \$550 for Goodson.</del>
[2]	TURN included 6.5 hours devoted to reviewing and preparing comments on SDG&E's and SoCalGas's 2019 RSAR. The RSAR addressed spending authorized in the GRC adopted in an earlier decision in this proceeding for activities addressing safety, reliability and maintenance. While TURN's comments on the RSAR may potentially be useful in informing consideration of risk spending in a future proceeding, they did not substantively contribute to resolution of any issues in the decisions that are the subject of TURN's instant claim. Therefore, compensation for these hours is denied. While TURN's hours reviewing and preparing comments on the 2019 RSAR are denied in this instance, the Commission may entertain granting award in a future proceeding in which this analysis



	did substantively contribute to any issues resolved in a decision.
[3]	Adopting \$305 rate for 2020. \$305 is the rate charged by Ms. Yap for the work covered by this request, which is less than the \$310 2020 rate Ms. Yap would be authorized to receive if Ms. Yap's 2018 rate of \$295 were to have the two COLA adjustments adopted for 2019 (2.35% in Resolution ALJ-357) and 2020 (2.55% in Resolution ALJ-387) applied. As \$305 is less than the authorized \$310, the requested rate is reasonable.
[4]	TURN shared Ms. Yap's consulting services with SCGC in this proceeding, with TURN responsible for payment of 50% of the invoiced amount. Consistent with the cost-sharing arrangement, TURN's claim presents the full number of hours billed by Ms. Yap, as well as an adjustment removing 50% of the costs for time billed to show TURN's actual responsibility for paying Ms. Yap. We find this approach reasonable and allow 50% of the costs (TURN's portion of the payment for Ms. Yap's consulting services).

#### PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	Yes



**FINDINGS OF FACT**

1. The Utility Reform Network has made a substantial contribution to Decision (D.) 20-07-038 and D.21-05-003.
2. The requested hourly rates for The Utility Reform Network's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$~~60,344.11~~58,791.61.

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above satisfies all requirements of Public Utilities Code §§ 1801-1812.

**ORDER**

1. The Utility Reform Network shall be awarded \$~~60,344.11~~58,791.61.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company and Southern California Gas Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2020 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric and gas revenue data shall be used. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning September 22, 2021, the 75<sup>th</sup> day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX****Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2007038, D2105003		
Proceeding(s):	A1710007 <i>et al.</i>		
Author:	ALJ Rafael Lirag & ALJ Manisha Lakhanpal		
Payer(s):	San Diego Gas & Electric Company and Southern California Gas Company		

**Intervenor Information**

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier ?	Reason Change/Disallowance
The Utility Reform Network	6/10/21	\$64,439.12	<del>\$60,344.11</del> <u>\$58,791.61</u>	N/A	See CPUC Section D Comments, Disallowances, and Adjustments above.

**Hourly Fee Information**

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Robert	Finkelstein	Attorney	\$540	2019	\$540
Robert	Finkelstein	Attorney	\$555	2020	\$555
Hayley	Goodson	Attorney	\$445	2019	\$445
Hayley	Goodson	Attorney	\$455	2020	\$455
Hayley	Goodson	Attorney	\$640	2021	<del>\$640</del> <u>\$550</u>
Marcel	Hawiger	Attorney	\$445	2019	\$445
Marcel	Hawiger	Attorney	\$455	2020	\$455
Thomas	Long	Attorney	\$615	2019	\$615
Thomas	Long	Attorney	\$630	2020	\$630
Elise	Torres	Attorney	\$340	2019	\$340
Catherine	Yap	Expert	\$305	2020	\$305

**(END OF APPENDIX)**

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